



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

April 23, 2010

EXECUTIVE OFFICE

The Honorable Kirk Adams  
Speaker of the House  
Arizona House of Representatives  
1700 West Washington Street  
Phoenix, Arizona 85007

Re: House Bill 2043 - Law Enforcement; Duty Fitness Examination

Dear Speaker Adams:

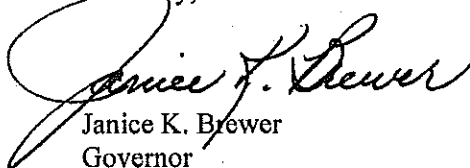
Today I vetoed House Bill 2043. This bill was introduced to establish requirements for employers of law enforcement and probation officers regarding final reports and preexamination materials related to fitness for duty examinations. Employers may require officers to submit to a fitness for duty examination to assess whether an officer is able to perform the essential functions of his or her position due to a possible physical or mental condition.

House Bill 2043 requires that if an officer is determined to be unable to perform the essential functions of their job because of a physical condition, the employer shall provide the officer with the final report of the fitness for duty examination, as well as any pre-examination materials. I am concerned that this legislation does not allow for the redaction of sensitive information from those reports. Arizona's law enforcement officers are critical to maintaining the safety of the public. If an officer notices a colleague is unable to perform his or her duties, that officer *must* report those concerns. This is an appropriate requirement. An officer that is unfit for duty could pose a serious safety risk not only to his fellow officers, but also to the public. I am concerned, however, that the requirement that the reporting officer's name be disclosed may cause him to refrain from reporting until it is too late and someone may become seriously injured.

I am also concerned that this legislation will apply across the board to all fitness for duty examinations within law enforcement and probationary employment. Employers of law enforcement officers and probation officers have the ability to establish policies and procedures for fitness for duty examinations within their organizations. This legislation would force agencies that already have efficient policies and procedures in place to eventually change those processes.

For these reasons I have chosen to veto House Bill 2043.

Sincerely,



Janice K. Brewer  
Governor

cc: The Honorable Bob Burns  
The Honorable John Kavanagh

1700 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007

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State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

## HOUSE BILL 2043

AN ACT

AMENDING TITLE 38, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-1103; RELATING TO LAW ENFORCEMENT AND PROBATION OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 19, 2010,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting

Kurt R.  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19 day of April, 2010

at 4:20 o'clock P. M.

Mike Bondke  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

**VETO**

\_\_\_\_\_  
Governor of Arizona

H.B. 2043

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State